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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAKOTA JEREMIAH PEVINO,

Defendant.

CASE NO. 2:23-cr-00288-JAM

**STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

DATE: July 30, 2024
TIME: 9:00 a.m.
COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on July 30, 2024.
2. By this stipulation, defendant now moves to continue the conference until August 20, 2024, transform it into a change-of-plea hearing, and to exclude time between July 30, 2024, and August 20, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes approximately 1700 pages/ items/ files of discovery in this case, including search warrant photos, bank records and interview recordings. Additional evidence, consisting of multiple electronic devices and video evidence, is available for defense review at a government

1 office, and an attorney for the defendant has reviewed some of the electronic evidence at the U.S.
2 Attorney's Office, pursuant to 18 U.S.C. §3509(m).

3 b) A continuance is requested because counsel for the defendant needs additional
4 time to conduct investigation, review materials collected during the government's investigation
5 to date, and perform legal research. Additionally, defense counsel will need time to review a
6 forthcoming plea offer from the government with their client, and analyze potential legal issues.

7 c) Counsel for defendant believes the failure to grant a continuance in this case
8 would deny defense counsel reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence, and for continuity of counsel.

10 d) The government joins in the request for the continuance.

11 e) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of July 30, 2024 to August 20, 2024,
16 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
17 because it results from a continuance granted by the Court at defendant's request on the basis of
18 the Court's finding that the ends of justice served by taking such action outweigh the best interest
19 of the public and the defendant in a speedy trial.

20 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
22 must commence.

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1 IT IS SO STIPULATED.

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4 Dated: July 22, 2024

PHILLIP A. TALBERT
United States Attorney

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6 /s/ CHRISTINA McCALL
CHRISTINA McCALL
Assistant United States Attorney

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9 Dated: July 22, 2024

/s/ MARK REICHEL
MARK REICHEL
Counsel for Defendant
DAKOTA JEREMIAH PEVINO

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13 **ORDER**

14 The Court has read and considered the parties' Stipulation. The Court ORDERS that the further
15 status conference set for July 30, 2024, be **CONTINUED** to **August 20, 2024, at 09:00 a.m.**, and be
16 **CONVERTED to a Change of Plea Hearing.** The Court hereby finds that the Stipulation, which the
17 Court incorporates by reference into this Order, demonstrates facts that provide a basis to exclude time
18 under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]. Time is
19 **EXCLUDED** under the Speedy Trial Act between July 30, 2024, and August 20, 2024.

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21 Dated: July 23, 2024

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE